

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: REFCO INC. SECURITIES
LITIGATION

05 Civ. 8626 (JSR)

07 MDL 1902 (JSR)

**NOTICE OF MOTION FOR AN ORDER MODIFYING THE REFCO SECURITIES
CLASS ACTION NET SETTLEMENT FUND DISTRIBUTION PLAN TO PROVIDE
FOR THE DISTRIBUTION TO THE PRIVATE ACTIONS TRUST OF CERTAIN
SETTLEMENT PROCEEDS ASSIGNED TO THE PRIVATE ACTIONS
TRUST BY SECURITIES CLASS MEMBERS**

PLEASE TAKE NOTICE that upon the Motion and Memorandum of Law of the Refco Private Actions Trustee for an Order Modifying the Refco Securities Class Action Net Settlement Fund Distribution Plan To Provide For Distribution to the Refco Private Actions Trust of Certain Settlement Proceeds Assigned To The Private Actions Trust By Securities Action Class Members and the accompanying Declaration of Sascha N. Rand dated May 31, 2011, together with the exhibit(s) annexed thereto, the undersigned counsel for the Private Actions Trustee respectfully moves the Court for an order directing the Garden City Group, Inc., the Court-approved claims administrator in the Refco Securities Class Action, to (i) defer distributing settlement proceeds to Class Members who have executed election forms assigning a portion of such settlement proceeds to the Private Actions Trust (the "PAT"); and (ii) following 30 days notice, disburse to the PAT all settlement proceeds that are subject to PAT election forms assigning such settlement proceeds to the PAT, and as to which no objections were received during the 30-day notice period.

DATED: May 31, 2011

QUINN EMANUEL URQUHART &
SULLIVAN LLP

By: /s/ Richard I. Werder, Jr.

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Trustee of the Refco Private Actions Trust*